

House File 248 - Introduced

HOUSE FILE 248

BY THORUP, BROWN-POWERS, and
THOMPSON

A BILL FOR

- 1 An Act relating to the establishment of emergency response
- 2 districts and fire departments.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 357J.1, Code 2021, is amended to read as
2 follows:

3 **357J.1 Authorization and purpose.**

4 1. ~~This chapter~~ authorizes a ~~pilot project for which a~~
5 ~~county of the state may establish an~~ the establishment of
6 ~~emergency response district~~ districts.

7 2. The purpose of ~~this chapter~~ is to ~~provide a county within~~
8 ~~the state an opportunity to participate in a pilot project~~
9 ~~having a new governance structure to facilitate the delivery~~
10 ~~and funding of fire protection service and emergency medical~~
11 ~~service to residents of the county.~~ do all of the following:

12 a. Serve a public use and promote the health, safety,
13 prosperity, security, and general welfare of the citizens
14 of emergency response districts by preventing or reducing
15 duplication, overlap, and fragmentation of the functions and
16 facilities of special districts.

17 b. Better serve the citizens of the state through
18 consolidation.

19 c. Reduce costs and increase efficiency of operation.

20 Sec. 2. Section 357J.2, Code 2021, is amended to read as
21 follows:

22 **357J.2 Definitions.**

23 As used in ~~this chapter~~, unless the context otherwise
24 requires:

25 1. ~~"Board"~~ means the board of supervisors of a county.

26 2. ~~1. "Commission"~~ means a governing body composed of a
27 ~~member of the board of supervisors, the sheriff, and the mayor~~
28 ~~from each city within the district. A member of the commission~~
29 ~~shall not appoint a designee to serve on the commission in the~~
30 ~~member's capacity or designee of each governmental entity that~~
31 is a member of the emergency response district.

32 3. ~~2. "District"~~ means an emergency response ~~district~~ area.

33 3. "Governmental entity" means a county, city, or township.

34 Sec. 3. Section 357J.3, Code 2021, is amended by striking
35 the section and inserting in lieu thereof the following:

1 **357J.3 Notification of public hearing.**

2 1. Each governmental entity intending to participate in
3 an emergency response district shall issue a notice of intent
4 to hold a public hearing concerning the establishment of a
5 proposed district. The hearing shall not be held until at
6 least thirty days after the notice is issued but not more than
7 ninety days after the notice is issued.

8 2. Notice required under subsection 1 shall include all of
9 the following information:

10 *a.* A statement explaining the need for fire protection
11 service or emergency medical service.

12 *b.* The geographic boundaries of the district.

13 *c.* The approximate number of families in the district.

14 *d.* The proposed personnel, equipment, and facilities to
15 provide the fire protection services or emergency medical
16 services.

17 *e.* The date, time, and location of the public hearing.

18 Sec. 4. Section 357J.4, Code 2021, is amended to read as
19 follows:

20 **357J.4 District — boundary changes.**

21 1. The boundary lines of a district may include any
22 incorporated or unincorporated areas ~~within a county.~~

23 2. *a.* The boundary lines of a district shall not be changed
24 after the district is established except as provided in this
25 subsection.

26 ~~*a.*~~ *b.* The boundary lines of a district shall be changed and
27 shall become effective immediately upon approval of ~~all of the~~
28 ~~following:~~

29 ~~{1} The the commission and each governmental entity~~
30 ~~currently participating in the emergency response district.~~

31 ~~{2} The board of township trustees of the area proposed to~~
32 ~~be included or excluded from the district.~~

33 ~~{3} The district fire chief.~~

34 ~~{4} The assistant fire chief who is responsible for delivery~~
35 ~~of fire protection service and emergency medical service~~

1 ~~within the area proposed to be excluded from the district, if~~
2 ~~applicable.~~

3 ~~(5) The fire chief of a fire department in the area proposed~~
4 ~~to be included in the district, if applicable.~~

5 ~~b. The boundary lines of a district shall be changed to~~
6 ~~exclude a city or the unincorporated areas of a township if the~~
7 ~~commission receives a written request from the governing body~~
8 ~~of the city or the board of township trustees, as applicable,~~
9 ~~requesting exclusion from the district. However, a boundary~~
10 ~~change under this paragraph shall become effective no earlier~~
11 ~~than eighteen months following receipt of the written request.~~

12 **Sec. 5. NEW SECTION. 357J.19 Dissolution of district.**

13 Incorporation documents of an emergency response district
14 shall include provisions for dissolution, the withdrawal of an
15 individual participant in the emergency response district, and
16 the dispensing of property in the case of either event.

17 **Sec. 6. Section 364.16, Code 2021, is amended to read as**
18 **follows:**

19 **364.16 Municipal fire protection.**

20 1. Each city shall provide for the protection of life and
21 property against fire and may establish, house, equip, staff,
22 uniform, and maintain a fire department. A city may establish
23 fire limits and may, consistent with code standards promulgated
24 by nationally recognized fire prevention agencies, regulate the
25 storage, handling, use, and transportation of all flammables,
26 combustibles, and explosives within the corporate limits and
27 inspect for and abate fire hazards.

28 2. A city may provide conditions upon which the fire
29 department will answer calls outside the corporate limits or
30 the territorial jurisdiction and boundary limits of this state.
31 A city has the same governmental immunity outside its corporate
32 limits when providing fire protection as when operating within
33 the corporate limits. Fire fighters operating equipment on
34 calls outside the corporate limits are entitled to the benefits
35 of [chapter 410](#) or [411](#) when otherwise qualified.

1 bill requires each governmental entity intending to participate
2 in an emergency response district to issue a notice of intent
3 to hold a public hearing concerning the establishment of
4 a proposed district and provide certain information with
5 such notice. The bill requires a hearing concerning the
6 establishment of a proposed district to occur no less than 30
7 days and no more than 90 days after the notice is issued. The
8 bill amends the process for changing district boundaries to
9 require the approval of the commission and each governmental
10 entity that is a member of the emergency response district.
11 The bill requires incorporation documents of an emergency
12 response district to include provisions for dissolution, the
13 withdrawal of an individual member, and the dispensing of
14 property in either event. The bill repeals provisions relating
15 to the engineer's responsibilities and the appointment of
16 assistant fire chiefs.

17 The bill requires a city in which an institution of higher
18 education governed by the state board of regents is located
19 to establish, house, equip, staff, uniform, and maintain a
20 full-time, professional fire department that is separate from
21 the city's police department.